

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

KENDALL LAVANON BURTON,
Plaintiff

v.

J. FITTER, P. FINANDER, AND P.
SHANK,
Defendants.

Case No. 2:15-cv-08917 AG (GJS)

**ORDER ACCEPTING FINDINGS
AND RECOMMENDATIONS OF
UNITED STATES MAGISTRATE
JUDGE**

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Complaint and all pleadings, motions, and other documents filed in this action, and the Report and Recommendation of United States Magistrate Judge (“Report”). The deadline to file Objections to the Report has passed, and no Objections have been filed with the Court.

The Court accepts the findings and recommendations set forth in the Report. Accordingly, **IT IS ORDERED** that Defendant’s Motion to Dismiss [Dkt. 21] is **GRANTED** as follows:

- (1) Plaintiff’s claims against Defendants in their official capacities are dismissed with prejudice;

1 (2) Plaintiff's claims against Defendants in their individual capacities are
2 dismissed with leave to amend; and

3 (3) Plaintiff is granted leave to file a First Amended Complaint consistent with
4 the Report and Recommendation within 30 days of this Order.

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6 **IT IS SO ORDERED.**



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8 DATE: July 31, 2016

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ANDREW J. GUILFORD
UNITED STATES DISTRICT JUDGE